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C O N F I D E N T I A L SECTION 01 OF 03 ASTANA 000275

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SUBJECT: KAZAKHSTAN: MINISTER OF JUSTICE PRAISES COOPERATION WITH THE UNITED STATES, SUPPORTS AMNESTY FOR PRISONERS

Classified By: Ambassador Richard E. Hoagland, 1.4 (B), (D)

REFTEL: ASTANA 00272

¶1. (C) SUMMARY: On February 25, the Ambassador met with Minister of Justice Rashid Tusupbekov to discuss ongoing legal reforms and the possibility of a general amnesty that could include jailed prominent Kazakhstani human rights defender Yevgeniy Zhovtis. Tusupbekov praised cooperation with the United States on judicial education, and countering human and narcotics trafficking. He underlined Kazakhstan's commitment to "humanizing" and reforming its legal system, and said he had submitted a recommendation for an August 30 amnesty, including for those who have committed "less grave crimes" (like Zhovtis). He promised to support the U.S. request for Helsinki Commission staffers to visit Zhovtis in early March, and said Kazakhstan will continue to work closely with the United States on the annual trafficking in persons report and the bilateral Science and Technology Agreement. Tusupbekov closed the meeting by noting that Kazakhstan's cooperation with the United States is very important, and said a bilateral meeting between President Obama and President Nursultan Nazarbayev in Washington in April, if it takes place, "could lead to opportunities for further cooperation." END SUMMARY.

MINISTRY OF JUSTICE WORKING TO HUMANIZE THE JUSTICE SYSTEM

¶2. (SBU) Initially, adopting a formal style, the Minister of Justice, Rashid Tusupbekov, opened his first meeting with the Ambassador by enumerating a his Ministry's responsibilities and goals. According to Tusupbekov, President Nursultan Nazarbayev instructed the Ministry to improve the quality of their legislative work, improve conditions for businesses to operate, and humanize the penitentiary system.

KAZAKHSTAN DENOUNCES SOVIET LEGACY OF CRIME AND PUNISHMENT

¶3. (SBU) Tusupbekov spoke with conviction about the social and

economic costs to Kazakhstan of the Soviet legacy of overly punitive legislation and sentencing, which he asserted are a legacy of the Soviet system. The Minister noted that Kazakhstan's penitentiary system is currently responsible for over 100,000 convicts, about 40,000 of whom are serving non-jail sentences. Tusupbekov stated that the Kazakhstani Government established an inter-agency commission to reform the law enforcement system, in which his Ministry participates actively. He asserted that his Ministry is committed to "humanization and decriminalization" of the law-enforcement system, and said he plans to liberalize Kazakhstan's criminal code, reduce the number of crimes punished by jail sentences, and replace them with more humane types of punishment, such as fines and corrective labor. Tusupbekov said these steps will reduce the size of the prison population, and alleviate the burden on the prison administration.

¶4. (SBU) Tusupbekov listed recent accomplishments, including the opening of five new "international-standard" facilities, that replaced Soviet-style barracks housing with cells. Finally, Tusupbekov noted that United Nations Special Rapporteur on Torture Manfred Novak, who will present his report on his May 2009 visit to Kazakhstan to the United Nations Human Rights Commission next month, said Kazakhstan is making good progress.

#### AMBASSADOR REITERATES U.S. SUPPORT FOR KAZAKHSTAN'S REFORMS

¶5. (SBU) In response, the Ambassador praised the Ministry of Justice for its commitment to legal reforms, and thanked the Ministry for supporting the bilateral Judicial Education Program that is training 257 judges and 600 judicial sector personnel on commercial law. The Ambassador noted that during INL Assistant Secretary David Johnson's

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December 2009 visit, Deputy Foreign Minister Umarov said Kazakhstan would welcome U.S. assistance on legal reform, and asked how the United States could further assist in supporting the Ministry's legal reforms. In addition, the Ambassador asked Tusupbekov how the U.S. Government might be able to help the U.S.-Kazakhstan Legal Association that Kazakhstan's Ambassador to the United States, Erlan Idrissov, is working to establish.

#### CONSTITUTION DAY AMNESTY FOR ZHOVTIS?

¶6. (SBU) In response to the Ambassador's query about a possible general amnesty this year, Tusupbekov confirmed that he had forwarded his recommendation to grant amnesty to approximately 20,000 prisoners convicted of "less grave crimes" to the Parliament and the President's Cabinet. According to Tusupbekov, the amnesty would have a positive social impact, since it would also include female convicts with young children, war veterans, the disabled, and juvenile offenders. Tusupbekov said that in his recommendation, he suggested that it would be appropriate if the amnesty coincided with the fifteenth anniversary of the adoption of Kazakhstan's Constitution (August 30). However, Tusupbekov said the amnesty is now "a political decision" that will be made by the Parliament and the Cabinet.

#### MINISTER PROMISES PERSONAL SUPPORT ON ACCESS TO VISIT ZHOVTIS

¶7. (SBU) The Ambassador thanked Tusupbekov for granting PolOff permission to visit Yevgeniy Zhovtis in Ust-Kamenogorsk on February 24 (reftel), and noted that it would be very helpful for bilateral relations if the Penitentiary Committee could approve the Embassy's pending request for two staffers from the Helsinki Commission of the U.S. Congress to visit in early March. In reply, Tusupbekov said he would do his best to make it happen.

#### MINISTER SAYS POLITICAL PARTY LEGISLATION WILL FOLLOW THE LAW

¶8. (SBU) The Ambassador raised the case of the Alga Party, currently seeking registration under ratified amendments to the political party law, commenting that he hoped this case will be resolved quickly and in full accordance with the new law. Tusupbekov said his Ministry will comply with the court ruling, whatever it may be.

#### COUNTERING NARCOTICS AND HUMAN TRAFFICKING

¶9. (SBU) The Ambassador thanked the Ministry of Justice for its cooperation on countering narcotics and human trafficking, and said we want to continue this positive work. In particular, the Ambassador congratulated Kazakhstan for opening its first government-supported trafficking in persons shelter in September 2009. Tusupbekov thanked the U.S. Government for helping on these critical issues, in particular, certain training programs. Tusupbekov mentioned that the INL-sponsored travel of a Kazakhstani delegation headed by Vice Minister Kusdaveltov to Italy was very useful. Tusupbekov noted that the Cabinet recently established a three-year, 3 million tenge project to support NGOs and maintain a call center for TIP victims. Tusupbekov added that the government will also provide 3 million tenge for a shelter, 6 million tenge for media campaigns against TIP, and 5 million tenge for a rehabilitation center. He said his Ministry also utilized a \$350,000 U.S. grant to provide training to prosecutors and judges.

¶10. (SBU) In relation to drug trafficking, which Tusupbekov acknowledged is a serious problem for Kazakhstan, especially because it is a transit country for Afghan opiates, Tusupbekov said he hopes that Kazakhstan's inter-agency Commission on Law Enforcement will approve a proposal to set up a separate agency, similar to agencies his experts observed in Russia, to combat drug trafficking. Tusupbekov encouraged the U.S. Drug Enforcement Agency to open an

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office in Almaty, telling the Ambassador that the United States, with its extensive experience, would be a good partner in combating this evil.

#### SCIENCE AND TECHNOLOGY AGREEMENT

¶11. (C) The Ambassador also raised the issue of the bilateral Science and Technology Agreement, the final English text of which the Kazakhstani Government is reviewing. Tusupbekov said that since there is a possibility that President Nazarbayev and President Obama might meet in Washington in April, it would be in our mutual best interests to have the agreement ready, and directed his staff accordingly. Tusupbekov underscored that the Ministry of Justice recognizes the benefit to Kazakhstan from cooperation with the United States, and added, "if a meeting between our Presidents takes place, it could lead to opportunities for further cooperation." (NOTE: In fact, the Ministry of Education and Science has not yet transmitted the draft to the Ministry of Justice. END NOTE.)

¶12. (C) COMMENT: Throughout the meeting, the Minister was well-briefed and very engaged, taking notes, and nodding approval during the Ambassador's remarks. Tusupbekov also appeared to be a proactive team-player, for instance, clarifying during the meeting which of his subordinates would follow up on key topics, including access to visit Zhovtis, and facilitating exchange of information for the Trafficking-in-Person's Report and the Science and Technology Agreement. In a sometimes top-down culture, the Minister's willingness to permit subordinates to work directly with the Embassy is most welcome. END COMMENT.